

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MICHAEL RIZZI and  
EDWARD MONAHAN,

Defendants.



INDICTMENT

17 CRIM

533

COUNT ONE

(Conspiracy to Commit Bank Fraud)

The Grand Jury charges:

1. From at least in or about September 2015, up to and including at least in or about May 2017, in the Southern District of New York and elsewhere, MICHAEL RIZZI and EDWARD MONAHAN, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and an object of the conspiracy that MICHAEL RIZZI and EDWARD MONAHAN, the defendants, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme or artifice to defraud a financial institution, and to obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of a financial institution, by means of

JUDGE CAPRONI

false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344, to wit, RIZZI and MONAHAN conspired to submit false documentation to a bank to make RIZZI's sale of property to his friend and business partner MONAHAN appear as though it was an "arm's length" transaction, meaning that the buyer did not have any personal, familial, or business connections with the seller.

(Title 18, United States Code, Section 1349)

**COUNT TWO**  
(Bank Fraud)

The Grand Jury further charges:

3. From at least in or about September 2015, up to, and including at least in or about May 2017, in the Southern District of New York and elsewhere, MICHAEL RIZZI and EDWARD MONAHAN, the defendants, willfully and knowingly, did execute and attempt to execute a scheme or artifice to defraud a financial institution, and to obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of a financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, RIZZI and MONAHAN submitted false documentation to a bank falsely claiming that RIZZI was selling property to MONAHAN as part of an "arm's length" transaction, meaning that the buyer did not have any personal, familial, or business connections

with the seller.

(Title 18, United States Code, Sections 1344 and 2.)

**FORFEITURE ALLEGATION**

4. As a result of committing the offenses alleged in Counts One and Two of this Indictment, MICHAEL RIZZI, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A) all property that constitutes, or is derived from, proceeds obtained directly or indirectly as a result of said offenses, including but not limited to a sum of money representing the amount of proceeds obtained directly or indirectly as a result of said offenses.

5. As a result of committing the offenses alleged in Counts One and Two of this Indictment, EDWARD MONAHAN, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A) all property that constitutes, or is derived from, proceeds obtained directly or indirectly as a result of said offenses, including but not limited to a sum of money representing the amount of proceeds obtained directly or indirectly as a result of said offenses.

**Substitute Assets Provision**

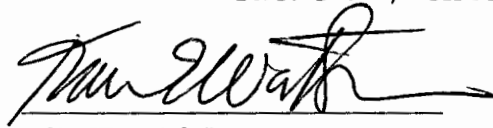
6. If any of the above described forfeitable property, as a result of any act or omission of the defendants:

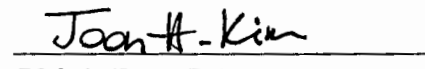
- a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982 (a)(2);  
Title 21, United States Code, Section 853.)

  
FOREPERSON

  
JOON H. KIM  
Acting United States Attorney

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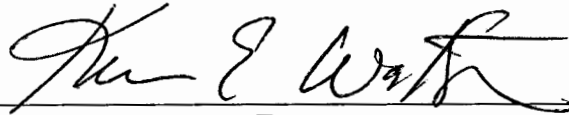
INDICTMENT

17 Cr.

(18 U.S.C. § 1349.)  
(18 U.S.C. § 1344 and 2.)

JOON H. KIM

Acting United States Attorney



Foreperson

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8/24/17  
cc. - Filed Indictment  
Case assigned to J Caproni  
J Pittman  
USMA